



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID COOPER ET AL.

Serial No.: 09/682,522

Filed: September 14, 2001

For: WEBSITE AND SYSTEM FOR DELIVERING
HUMAN RESOURCES INFORMATION AND SERVICES

Attorney Docket No.: FMC 1336 PUS (81044439)

Group Art Unit: 3623

Examiner: Linda Mary Morawski

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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This is an Appeal Brief from the final rejection of claims 1-22 of the Office

Action mailed on January 18, 2006.

I. REAL PARTY IN INTEREST

The real party in interest is Ford Motor Company ("Assignee"), a corporation organized and existing under the laws of the state of Delaware, and having a place of business at The American Road, Dearborn, Michigan 48121, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on September 14, 2001 at Reel 011953/Frame 0265.

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II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to the Appellants, the Appellants' legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-22 are pending in this application. Claims 1-22 have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendments after the final rejection have been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a Website for providing human resources information and services. To authenticate users for access to the information and services, the Website is configured to retrieve an employee identification credential from a client computer in response to the client's HTTP request at the Website. [0015]. The employee identification credential includes an employee name and an employment function attribute. [0015]. The Website is further configured to present human resources information and services to the client, including the employee's personal data of record. [0017]. The human resources information and services are based on the employee identification credential obtained during authentication. [0015 - 0016]. The Website is further configured to receive input from the client updating the employee's personal data of record. [0023].

Independent claim 20 recites a system for providing human resources information and services. The system includes at least one server computer operably connected to at least one human resources database. [0032]. The system serves data defining a human resources Website to a plurality of client computers via a computer network. [0032].

For authentication, the server is configured to retrieve an employee identification credential from a client computer in response to the client's HTTP request at the human resources Website. [0015]. The employee identification credential includes an employee name and an employment role attribute. [0015]. The server is further configured to serve human resources information and services to the client, including access to the employee's personal information of record. [0017]. The human resources information and services presented are based on the employee identification credential. [0015 - 0016]. The server is still further configured to receive input from the client updating the employee's personal information of record. [0023].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 3-18, and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Cirinna et al (US2002/0173973). Claims 2 and 21 stand rejected under 35 U.S.C. 103(a) as being obvious in view of Cirinna. Claims 19 and 22 stand rejected under 35 U.S.C. 103(a) as being obvious over Cirinna in view of Wagorn et al (US 2002/0002509).

VII. ARGUMENT

A. Cirinna Fails To Anticipate Claims 1 And 20

Cirinna fails to teach, disclose, or suggest, retrieving an employee identification credential from a client computer in response to a client's HTTP request at the Website as each of independent claims 1 and 20 recite.

Cirinna states:

[o]ne of the buttons featured on the illustrated web page is a register/login button 156. The register/login button 156 activates the authentication application 114, illustrated in Fig. 6, to identify the specific user of the website.

[0057].

Cirinna describes a conventional authentication in which the user manually submits his or her identifying information. The claimed invention in the present case is an improvement over the conventional login that Cirinna describes. "Identification credentials are provided to the server hosting the human resources Website for each browsing session upon the users [sic] first HTTP request." (US2003/0055691, [0015]).

To the extent the Examiner contends that the limitations of claims 1 and 20 are inherent in Cirinna, the Examiner fails to establish such inherency. To establish inherency, the Examiner "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *In re Robertson*, 169 F.3d (Fed. Cir. 1999).

The Examiner states:

Cirinna teaches an employee identification credential in paragraph 13: "an interactive Internet website that enables only the employees of the identified company to access and interact with the electronic information system" where the identification credential is inherent such that the employee would need an identification credential to access the employee only website.

(Office Action, January 18, 2006, pg. 2).

But in Cirinna, authentication is performed in the conventional manner by the user inputting identifying information. The claims on appeal recite embodiments in which user input is not necessary to complete the authentication process. The claimed invention is not inherent in Cirinna. On the contrary, Cirinna's manual authentication teaches away from the claimed invention in which an employee identification credential is retrieved from a client computer in response to the client's HTTP request.

B. The Examiner Fails To Establish A *Prima Facie* Case Of Obviousness For Claims 2 And 21

As explained above, Cirinna teaches away from retrieving an employee identification credential from a client computer in response to a client's HTTP request at the Website. Cirinna also fails to teach or suggest a cookie that contains the employee identification credential as each of claims 2 and 21 recite.

The Examiner has improperly taken Official Notice of "both the concept and the advantage of utilizing a cookie with an interactive website [as] well known and expected in the art." (Office Action, January 18, 2006). *See* MPEP 2144.03:

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art *In re Eynde*, 480 F.2d 1364, 1370, 178 USPQ 470, 474 (CCPA 1973) ("[W]e reject the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice.").

The Examiner also fails to cite any motivation from the prior art to modify Cirinna with the substance of the Examiner's improper Official Notice. *See* MPEP 2143.01 ("The Prior Art Must Suggest The Desirability Of The Claimed Invention.") The Examiner merely asserts that "[i]t would have been obvious to one of ordinary skill . . . to use a cookie in conjunction with an interactive website to facilitate the storage and retrieval of information." (Office Action, January 18, 2006, pg. 8). The fact that Cirinna teaches away from the proposed combination undermines the Examiner's obviousness argument.

C. Cirinna Fails To Anticipate Claim 17

To the extent the Examiner contends that the limitations of claim 17 are inherent in Cirinna, the Examiner fails to establish such inherency. The Examiner fails to establish that Cirinna necessarily presents an employee manager with the training history of all the manager's subordinate employees as the claim recites. The Examiner, instead, merely asserts that the term "tool" includes "an organizational chart or at least a listing of the employees that report to him/her." There is no basis for this assertion. Cirinna states:

Tools are resources that assist an employee in performing their job, such as providing an employee with information, goods or services. The scope of tools that may be provided to employees is virtually limitless. Tools may be used to perform tasks such as obtaining technical information from vendors, obtaining office equipment from an employer or a third party, or making travel arrangements online.

[0025].

The Examiner cannot "make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *In re Robertson*, 169 F.3d (Fed. Cir. 1999).

D. The Examiner Fails To Establish A *Prima Facie* Case Of Obviousness For Claims 19 And 22

The Examiner asserts that "Wagorn is an analogous art in that is [sic] also teaches web services that access databases based upon the user input." (Office Action, January 18, 2006, pg. 8). The Examiner then asserts that "[t]herefore, it would have been obvious to one of ordinary skill in the art . . . to modify the web system of Cirinna with the language adaptability system of Wagorn for providing the information in the user preferred language." *Id.* The Examiner's mere assertion that Wagorn is analogous prior art does not provide the necessary motivation to combine the references. The prior art must suggest the desirability of

the claimed invention. MPEP 2143.01. The Examiner fails to cite any suggestion from the references of the desirability of Applicants' claimed invention.

E. Claims 3-16 And 18 Are Patentable

Claims 3-16 and 18 are patentable at least because they depend from independent claim 1 that is patentable for the reasons stated above.

Please charge the fee of \$500 as applicable under the provisions of 37 C.F.R. § 41.20(b)(2) and any additional fee or credit any overpayment in connection with this filing to the Deposit Account No. 06-1510.

Respectfully submitted,

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Enclosure - Appendices

VIII. CLAIMS APPENDIX

1. A Website for providing human resources information and services, the Website configured to:

retrieve an employee identification credential from a client computer in response to the client's HTTP request at the Website wherein the employee identification credential includes an employee name and an employment function attribute;

present human resources information and services to the client, at least one of which comprises access to the employee's personal data of record wherein the human resources information and services presented are based on the employee identification credential; and

receive input from the client updating the employee's personal data of record.

2. The Website of claim 1 wherein a cookie contains the employee identification credential.

3. The Website of claim 1 wherein the human resources information and services presented additionally comprise employment benefits information and services.

4. The Website of claim 3 wherein one of the employment benefits services comprises an interactive retirement earnings estimation.

5. The Website of claim 3 wherein the employment benefits information comprises the employee's total compensation.

6. The Website of claim 1 wherein the human resources information and services presented additionally comprise employee compensation information of record.

7. The Website of claim 1 wherein the human resources information and services presented additionally comprise vehicle lease and purchase information and services.

8. The Website of claim 1 wherein the vehicle purchase service comprises an interactive vehicle lease and purchase transaction.

9. The Website of claim 1 wherein the human resources information and services presented additionally comprises life events support information.

10. The Website of claim 1 wherein the human resources information and services presented additionally comprises management information and services wherein the management information and services are presented to an employee having an employee identification credential containing a management employment function attribute.

11. The Website of claim 10 wherein the management information comprises employee data for all employees that are subordinate to the manager accessing the Website.

12. The Website claim 11 additionally configured to receive input updating a subordinate employee's job data.

13. The Website of claim 1 wherein the human resources information and services presented additionally comprises professional development information and services.

14. The Website of claim 13 wherein the professional development information comprises employee education and training class information and schedules.

15. The Website of claim 13 wherein the professional development services comprise interactively registering an employee for an employee education or training class.

16. The Website of claim 13 wherein the professional development information comprises an employee's education and training history.

17. The Website of claim 13 additionally configured to present an employee manager with the training history of all the manager's subordinate employees.

18. The Website of claim 1 wherein the human resources information and services presented additionally comprises employment policy and program information.

19. The Website of claim 1 wherein the employee identification credential additionally comprises an employee language attribute and the human resources information and services are presented in the same language as that of the employee language attribute.

20. A system for providing human resources information and services comprising at least one server computer operably connected to at least one human resources database and serving a human resources Website to a plurality of client computers via a computer network, the server configured to:

retrieve an employee identification credential from a client computer in response to the client's HTTP request at the human resources Website wherein the employee identification credential includes an employee name and an employment role attribute;

serve human resources information and services to the client, at least one of which comprises access to the employee's personal information of record wherein the human resources information and services presented are based on the employee identification credential; and

receive input from the client updating the employee's personal information of record.

21. The system of claim 20 wherein a cookie contains the employee identification credential.

22. The system of claim 20 wherein the employee identification credential additionally contains an employee language attribute and the server is additionally configured to redirect the client to a remote server wherein the remote server serves the client human resources information and services in the same language as that identified by the employee language attribute.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.